

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

KEVIN FERNANDEZ,)	3:06-cv-00628-LRH-RAM
)	
Plaintiff,)	<u>ORDER</u>
)	
vs.)	
)	
STATE OF NEVADA, et al.,)	
)	
Defendants.)	

Before the court is Plaintiff's Motion for Review and Objections to Magistrate's Decision (#83¹) regarding Magistrate Judge McQuaid's screening order (#72) of Plaintiff's original complaint (#5), which dismissed Defendants State of Nevada and the Nevada Department of Corrections and the First, Fifth and Sixth Causes of Action of Plaintiff's original Complaint (#5). The court will treat Plaintiff's Motion for Review and Objections (#83) as a motion to reconsider Magistrate's Order (#72). Defendants have responded (#86) and Plaintiff has replied (#91).

Plaintiff objects to the dismissal of Defendants, State of Nevada and the Nevada Department of Corrections due to Eleventh Amendment immunity and objects to the dismissal of the First, Fifth, and Sixth Causes of Action of Plaintiff's original Complaint (#5) for failure to state a claim. Thereafter, Plaintiff filed the present complaint, Plaintiff's Second Amended Complaint (#154). Plaintiff's Second Amended Complaint was screened by this court (#155) and addressed the law challenged by Plaintiff in his objection to the Magistrate Judge's screening of Plaintiff's original Complaint. Plaintiff's motion (#83) is therefore moot and is DENIED.

IT IS SO ORDERED.

DATED this 16th day of March, 2009.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

¹Refers to this court's docket number.